

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**JOHN ST. ROSE and ROSALINE ST.
ROSE,**

Plaintiffs,

v.

**MOBILE PAINT MANUFACTURING
COMPANY OF DELAWARE d/b/a
THE NEW PAINT LOCKER,
SEALOFLEX CHEMICAL, INC.,
SEALOFLEX SALES, INC., and
SEALOFLEX PROPERTIES, INC., and
MOBILE PAINT CARIBBEAN, INC.,**

Defendants.

2004-CV-0114

**TO: Lee J. Rohn, Esq.
Wilfredo A. Geigel, Esq.
Michael J. Sanford, Esq.**

ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION

THIS MATTER came before the Court upon Defendants Mobile Paint Caribbean, Inc., and Mobile Paint Manufacturing Company of Delaware's Motion For Reconsideration (Docket No. 227). Plaintiffs filed an opposition to said motion. The time for filing a reply has expired.

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Being advised in the premises and being satisfied therein, the Court finds that reconsideration is not warranted. Nothing in the said Defendants' motion persuades the Court that its previous order requires clarification, modification, or reversal.

Said Defendants claim to have paid the original sanction amount prior to the entry of the order at issue (Docket No. 224), and, thus, argue that they should not have to pay the second sanction amount. However, said Defendants did not file notice with the Court of such payment. Thus, the Court, when it entered such order, had no knowledge of such sanction being paid. Moreover, the order directing payment was entered February 19, 2008, and ordered that such payment was to be made within ten (10) days. It cannot be disputed that June 6, 2008, the date that said Defendants claim to have paid the original sanction amount, is not within ten (10) days of February 19, 2008. Moreover, such payment was not even made prior to the filing of Plaintiffs' Motion For Additional Sanctions which occurred on April 18, 2008. Consequently, the order directing payment of additional sanctions does not need to be altered or otherwise disturbed.

With regard to the supplementation of discovery, the order at issue very clearly states that said Defendants "[s]hall produce the documents as to Demand For Production Nos. 5-13 and supplement further their responses to discovery on or before June 25, 2008." Order Granting Plaintiffs' Motion For Additional Sanctions (Docket No. 224) at 3. Plaintiffs

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acknowledged in the said motion that said Defendants had filed supplemental responses on April 15, 2008. However, Plaintiffs detailed how and in what ways the supplementation was still deficient. Said Defendants did not adequately address such allegations in their response to the motion. Consequently, the Court ordered said Defendants to produce documents that were never produced and to supplement deficient responses as alleged by Plaintiffs. The order does not need to be altered or otherwise disturbed.

Accordingly, it is now hereby **ORDERED** that Defendants Mobile Paint Caribbean, Inc., and Mobile Paint Manufacturing Company of Delaware's Motion For Reconsideration of Order (Docket No. 227) is **DENIED**.

ENTER:

Dated: July 30, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE